

REMARKS

In response to the Office Action mailed May 14, 2008, Applicants respectfully request reconsideration. Claims 1-7 and 9-10 were previously pending in this application. By this amendment, claims 1, 6, 7 and 9 have been amended. As a result, claims 1-7 and 9-10 are pending for examination with claims 1 and 9 being independent. No new matter has been added.

Summary of Examiner Interview

Applicants' representatives thank Examiner Gelagay for her courtesy in granting and conducting the telephone interview held on August 12, 2008, in the above-identified application.

During the telephone interview, Applicants' representatives and the Examiner discussed the cited reference and the claims as pending. In addition, possible claim amendments were discussed. The Examiner indicated that the discussed amendments appeared to clarify limitations of independent claims and helped to overcome the claim rejections. However, the Examiner reserved the right to conduct further search.

Rejections Under 35 U.S.C. §103

The Office Action rejected claims 1-7 and 9-10 under 35 U.S.C. §103(a) as being unpatentable over Peterson, Jr, U.S. Patent No. 5,857,020 ("Peterson") in view of Applicants' Admitted Art ("Admitted Art"). Applicants respectfully disagree. In addition, without acceding to the appropriateness of the rejection, Applicants have amended independent claims 1 and 9 clarification. Claims 6 and 7 have been amended for consistency purposes and not for reasons related to patentability.

A. Independent Claim 1

Claim 1, as amended, recites:

A system for detecting an exceeding of time conditions of at least one application executed by a processor, comprising:

a storage element for storing a plurality of time conditions associated with rights of use of the at least one application, wherein *the plurality of time conditions are stored as sorted in a chronological order*;

a work register for storing a time condition from the plurality of time conditions closest to a current date of the system; and

a comparator for comparing the time condition stored in the work register with the current date of the system and, when the current date of the system exceeds the time condition:

providing an interrupt to the processor; and

updating the work register by introducing to the work register a next time condition from the plurality of time conditions stored in the storage element, wherein the next time condition is next closest to the current date.

(Emphasis added).

Peterson does not teach or suggest all the limitations of claim 1. In particular, Peterson does not teach or suggest that “the plurality of time conditions are stored as sorted in a chronological order,” as recited in amended claim 1. Support for this amendment can be found at least one page 5, line 12-15 of Applicants’ specification.

The Office Action states that Peterson “teaches a system for detecting an exceeding of time conditions of at least one application executed by a processor, comprising: a storage element for storing the time conditions, wherein said time conditions comprise deadlines and are stored by an increasing deadline order (figure 2; col. 4, line 21 – col. 5, line 3; col. 8, lines 15-65).” Applicants respectfully disagree.

Peterson is directed to providing a method and apparatus for enabling access, dependent upon timed availability, to secured content provisioned on a storage medium (col. 2, lines 18-21). One timed availability scheme is to not allow access to the secured contents of the storage medium 10, having been distributed in advance, until a predetermined date and time (col. 4, lines 24-26; Figs. 1 and 2). According to this scheme, a consumer may request and receive authorization to access the contents of the storage medium 10, but may not be enabled to access the secured content until the date and time associated with the premier event (col. 4, lines 25-41). Peterson describes that, upon expiry of a window during which the consumer may be allowed unlimited use of the content, another window may be initiated by the consumer requesting and receiving authorization (col. 4, lines 47-53). Peterson does describe, in connection with Figs. 1 and 2, times T1-T5 and authorization windows W0-W2. However, neither in the cited passages nor anywhere else in the reference does Peterson teach that the time conditions are stored as sorted in a chronological order.

Further, the Office Action contends that Peterson teaches “a memory for storing a time condition closest to a current date of the system; and (col. 6, lines 2-16; col. 8, lines 15-65; col. 9, lines 33-66) and a comparator for comparing a deadline of the time condition contained in said register with the current date of the system; updating the work register by introducing to a next time condition from the time conditions stored in the storage element, wherein the next time condition is next closest to the current date. (col. 6, lines 18-41; col. 8, lines 15-65; col. 10, lines 2-19).” Applicants respectfully note that claim 1 recites a work register for storing a time condition from the plurality of time conditions closest to a current date of the system, rather than a memory for storing a time condition closest to a current date of the system, as stated in the Office Action. Moreover, Peterson does not describe a particular memory for storing a time condition closest to a current date of the system.

With respect to updating the work register, Peterson does not teach or suggest this limitation of claim 1 either. Moreover, claim 1 does not simply recite “updating the work register by introducing to a next time condition from the time conditions stored in the storage element ...,” as alleged in the Office Action. Rather, claim 1 recites updating the work register *when the current date of the system exceeds the time condition*, which is not addressed in the Office Action (emphasis added). Further, Peterson discusses that the secure card 88 *updates the authorization record* upon the consumer accessing the secured data and when an authorization record is no longer valid, namely the expiration date has passed or the usage limit has been reached, that record is deleted from the authorization list (col. 10, lines 14-19) (emphasis added). Thus, the authorization record of Peterson is different from the work register recited in claim 1.

Peterson discusses that the secure card 88 of controller 86 is programmed to provide the TOD clock 90 and as well maintain an amount of funds 91 prepaid by the consumer, *a list 92 of authorized access records* and a decryption key 93 (Fig. 3; col. 9, lines 45-48). Therefore, updating the authorization record from the list 92 is different from updating the work register for storing a time condition from the plurality of time conditions closest to a current date of the system. Moreover, Peterson states that when the expiration date has passed or the usage limit has been reached, that record is *deleted* from the authorization list (emphasis added). In contrast, claim 1 recites when the current date of the system exceeds the time condition ... *updating* the work register

by introducing to the work register a next time condition that is next closest to the current date (emphasis added). Nowhere in the reference does Peterson teach or suggest this limitation. In addition to the above updating of the authorization record, Peterson mentions “updating” of any kind in two other portions of the reference. Thus, Peterson discusses that the workstation 64 can *update* certain records in the database 64 (col. 7, lines 34-40) (emphasis added). Also, Peterson states that the amount of prepaid funds 91 may be adjusted in return for receiving monetary compensation and the particular decryption key 93 *updated* periodically (col. 9, lines 48-51) (emphasis added). In no other portion does Peterson discuss updating. Thus, Peterson does not teach or suggest “updating the work register by introducing to the work register a next time condition from the plurality of time conditions stored in the storage element, wherein the next time condition is next closest to the current date,” as recited in claim 1.

On page 3, the Office Action concedes that Peterson “does not explicitly disclose a work register; and if the current date of the system exceeds the deadline: providing an interrupt to the processor.” Notwithstanding agreeing with the Office Action, Applicants note that this statement is inconsistent with the above allegation made in the Office Action with respect to Peterson’s teaching “updating the work register by introducing to a next time condition from the time conditions stored in the storage element.” Further, the Office Action states that Admitted Art discloses a work register. However, Admitted Art does not teach or suggest a work register *for storing a time condition from the plurality of time conditions closest to a current date of the system*, as recited in claim 1 (emphasis added). Further, Admitted Art does not teach or suggest “updating the work register by introducing to the work register a next time condition from the plurality of time conditions stored in the storage element, wherein the next time condition is next closest to the current date,” as also recited in claim 1. Therefore, neither Peterson nor Admitted Art teach or suggest all the limitations of claim 1.

In view of the foregoing, claim 1 patentably distinguishes over Peterson and Admitted Art, either alone or in combination.

Claims 2-5 depend from claim 1 and are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 1-5 is respectfully requested.

B. Independent Claim 9

Claim 9, as amended, recites:

A method for detecting an exceeding of time conditions of at least one application executed by a processor, comprising:

storing a plurality of time conditions associated with rights of use of at least one application in a storage element, wherein *the plurality of time conditions are stored as sorted in a chronological order*;

storing a time condition from the plurality of time conditions closest to a current date in a work register;

comparing a deadline of the time condition stored in the work register with the current date to determine if the current date exceeds the time condition; and

when it is determined that the current date exceeds the time condition:

providing an interrupt to the processor; and

updating the work register by introducing to the work register a next time condition from the plurality of time conditions stored in the storage element, wherein the next time condition is next closest to the current date.

(Emphasis added).

On pages 3 and 4, the Office Action rejects claim 9 for the same reasons as claim 1. However, as should be clear from the above discussion, Peterson does not teach or suggest all the limitations of claim 9. In particular, Peterson does not teach or suggest that “the plurality of time conditions are stored as sorted in a chronological order,” as recited in claim 9. Furthermore, Peterson does not teach or suggest “storing a time condition from the plurality of time conditions closest to a current date in a work register; ... when it is determined that the current date exceeds the time condition: providing an interrupt to the processor; and updating the work register by introducing to the work register a next time condition from the plurality of time conditions stored in the storage element, wherein the next time condition is next closest to the current date,” as also recited in claim 9.

In view of the foregoing, claim 9 patentably distinguishes over Peterson and Admitted Art, either alone or in combination.

Claims 6, 7 and 10 depend from claim 9 and are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 6, 7, 9 and 10 is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. S1022.81032US00.

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Respectfully submitted,

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